

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

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ROBERT PREVETTE,

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No. 12-662V

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Petitioner,

\*

Special Master Moran

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v.

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Filed: April 17, 2015

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SECRETARY OF HEALTH  
AND HUMAN SERVICES,

\*

Attorneys' fees and costs; award  
in the amount to which  
respondent does not object.

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Respondent.

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Lawrence R. Cohan, Anapol, Schwartz, et al., Philadelphia, PA, for Petitioner;  
Michael Milmo, United States Dep't of Justice, Washington, DC, for Respondent.

### **UNPUBLISHED DECISION ON FEES AND COSTS**<sup>1</sup>

On October 2, 2012, Robert Prevette filed a petition for compensation alleging that the influenza vaccine, which he received on October 10, 2010, caused him to suffer Guillain-Barré syndrome ("GBS") and Chronic Inflammatory Demyelinating Polyneuropathy ("CIDP"). Petitioner received compensation based upon the parties' stipulation. Decision, issued Mar. 24, 2015. Because petitioner received compensation, he is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

On April 9, 2015, petitioner filed a stipulation of fact concerning final attorneys' fees and costs in the above-captioned matter. Previously, petitioner informally submitted a draft application for attorneys' fees and costs to respondent for review. Upon review of petitioner's application, respondent raised objections to certain items. Based on subsequent discussions, petitioner amended his

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<sup>1</sup> The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

application to request \$74,219.00, an amount to which respondent does not object. The Court awards this amount.

A status conference was held on April 17, 2015, to discuss two points regarding petitioner's motion for fees. First, the undersigned directed petitioner's attention to the billing statements from his vocational expert, Ms. Ellen Econs, and his life care planner, Ms. Roberta Hurley. Petitioner was advised to direct his experts to make their time records more detailed. Second, the undersigned asked several questions regarding petitioner's use of a contractor, Garretson Resolution Group, to resolve his outstanding Medicaid lien amount. Nonetheless, the undersigned agreed with respondent that petitioner's application was reasonable.

Petitioner seeks a total of **\$74,219.00** in attorneys' fees and costs for his counsel. Additionally, in compliance with General Order No. 9, petitioner states that he incurred no out-of-pocket litigation expenses while pursuing this claim. Respondent has no objection to the amount requested for attorneys' fees and costs.

After reviewing the request, the Court awards the following:

**A lump sum of \$74,219.00 in the form of a check made payable to petitioner and petitioner's attorney, Lawrence R. Cohan, for attorneys' fees and other litigation costs available under 42 U.S.C. § 300aa-15(e).**

The Court thanks the parties for their cooperative efforts in resolving this matter. The Clerk shall enter judgment accordingly.

Any questions may be directed to my law clerk, Mary Holmes, at (202) 357-6360.

**IT IS SO ORDERED.**

s/ Christian J. Moran  
Christian J. Moran  
Special Master